

MARCH 27, 2002

PTAS

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KARL R. CANNON  
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Chief Information Officer  
Washington, DC 20231  
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UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/22/2002

REEL/FRAME: 012523/0670  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

VARGA, PETER PAL, M.D.

DOC DATE: 12/11/2000

ASSIGNOR:

OGILVIE, JAMES A. M.D.

DOC DATE: 07/28/2000

ASSIGNEE:

ORTHO DEVELOPMENT CORPORATION  
12187 S. BUSINESS PARK DRJVE  
DRAPE, UTAH 84020

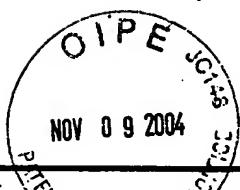
SERIAL NUMBER: 10055673

FILING DATE: 01/22/2002  
ISSUE DATE:

LAZENA MARTIN, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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02-04-2002

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(Rev. 03/01)  
OMB No. 0651-0027 (exp. 5/31/2002)

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101970422



To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Peter Pal Varga, M.D.

James A. Ogilvie, M.D.

01/22/02

Additional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

 Assignment Merger Security Agreement Change of Name Other \_\_\_\_\_

Execution Date: 11 Dec 00

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 11 Dec 00

A. Patent Application No.(s) \_\_\_\_\_

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Karl R. Cannon

Internal Address: Clayton, Howarth &amp; Cannon, PC

Street Address: P.O. Box 1909

City: Sandy State: UT Zip: 84091

6. Total number of applications and patents involved: 

7. Total fee (37 CFR 3.41).....\$ 40.00

 Enclosed Authorized to be charged to deposit account

## 8. Deposit account number:

50-0836

DO NOT USE THIS SPACE

## 9. Signature.

Karl R. Cannon

Name of Person Signing

Signature

1-22-2002

Date

Total number of pages including cover sheet, attachments, and documents: 

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

A S S I G N M E N T

WHEREAS, Peter Pal VARGA, M.D. and James A. OGILVIE, M.D. citizens of Hungary and the United States of America, respectively, and having post office addresses of 1126 Budapest, Kiralyhago utca 1-3, Hungary, and 717 Coventry Lane, Edina, Minnesota 55435, have invented a method and apparatus entitled INTERVERTEBRAL SPACER, hereinafter called the "invention," preferred embodiments of which are disclosed in a United States patent application filed on June 12, 2000, and having an application serial no. 09/592,072 assigned by the U.S. Patent Office and identified as File No. T9376 of the law firm, Clayton, Howarth & Cannon, P.C., P.O. Box 1909, Sandy, Utah 84091.

WHEREAS, Assignee Ortho Development Corp., a Utah corporation, organized and existing under the laws of the State of Utah, located at 106 West 12200 South, Draper, Utah 84020, is desirous of acquiring the entire right, title and interest in the invention;

NOW THEREFORE, in consideration of one dollar (\$1.00) and other good and valuable consideration paid to us by the Assignee, the receipt and sufficiency of which is hereby acknowledged, WE HEREBY ASSIGN TO THE ASSIGNEE:

The entire right, title and interest in said invention and in the above-identified United States

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patent application and in all divisions, continuations and continuations-in-part of said application, or reissues or extensions of Letters Patent or Patents granted hereon, and in all corresponding applications filed in countries foreign to the United States, and in all patents issuing thereon in the United States and Foreign countries.

The right to file foreign patent applications on said invention in its own name, wherever such right may be legally exercised, including the right to claim the benefits of the International Convention for such applications.

We hereby authorize and request the United States Commissioner of Patents and Trademarks, and such Patent Office officials in foreign countries as are duly authorized by their patent laws to issue patents, to issue any and all patents on said invention to the Assignee as the owner of the entire interest, for the sole use and behoof of the said Assignee, its successors, assigns and legal representatives.

We hereby agree, without further consideration and without expense to us, to sign all lawful papers and to perform all other lawful acts which the Assignee, or the Assignee's successors, assigns and legal representatives may request of us to make this Assignment fully effective, including, by way of example but not of limitation, the following:

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Prompt execution of all original, divisional, substitute, reissue, and other United States and foreign patent applications on said invention, and all lawful documents requested by the Assignee, or the Assignee's successors, assigns and legal representatives to further the prosecution of any of such patent applications.

Cooperation to the best of our ability in the execution of all lawful documents, the production of evidence, nullification, reissue, extension, or infringement proceedings involving said invention.

This assignment and agreement shall be binding upon our heirs and legal representatives.

Executed this 11<sup>th</sup> day of December, 2000, at  
West Haven.  
(City, County)

Peter Pál VARGA, M.D.

On \_\_\_\_\_, 2000, before me personally appeared Peter Pal VARGA, M.D., known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.

**NOTARY PUBLIC**

Residing at

My Commission Expires:

WHEN RECEIVED RETURN TO:

Karl R. Cannon  
Clayton, Howarth & Cannon, P.C.  
P.O. Box 1909  
Sandy, Utah 84091

Executed this 28<sup>th</sup> day of July, 2000, at  
Minneapolis, MN.  
(City, State)

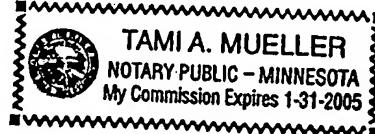
James A. Ogilvie  
James A. OGILVIE, M.D.

STATE OF Minnesota )  
: ss.  
COUNTY OF Hennepin )

On July 28, 2000, before me personally appeared James A. OGILVIE, M.D., known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.

Tami A. Mueller  
NOTARY PUBLIC  
Residing at

S:\CHC Files\T 9--\T93--\T9376\Assignment.wpd



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Sandy, Utah 84091



Attorney Docket No. T9376, DIV1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PETER PAL VARGA et al. )  
TITLE: INTERVERTEBRAL SPACING )  
IMPLANT SYSTEM )  
SERIAL NO.: \_\_\_\_\_ ) CERTIFICATE UNDER 37  
FILED: January 22, 2002 ) C.F.R. § 3.73(b) TO  
EXAMINER: \_\_\_\_\_ ) ESTABLISH RIGHT OF  
ART UNIT: \_\_\_\_\_ ) ASSIGNEE TO TAKE ACTION  
 )

---

Commissioner for Patents  
Washington, D.C. 20231

Sir:

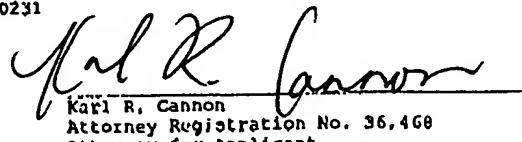
In order to establish its right to take action before the Office in the above-captioned matter, Ortho Development Corporation certifies that it is the assignee of the entire right, title and interest in the patent application identified above and attached hereto by virtue of either:

A.  An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel

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CERTIFICATE OF EXPRESS MAILING

DATE OF MAILING January 22, 2002 EXPRESS MAIL LABEL NO: ET243162730US  
I hereby certify that this paper or fcc is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to: Box Patent Application, Commissioner for Patents, Washington D.C. 20231

  
/ Karl R. Cannon  
Attorney Registration No. 36,468  
Attorney for Applicant

\_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

B. [ ] A chain of title from the \*\*\*[inventor(s)/applicant(s)]\*\*\* of the \*\*\*[patent/trademark application]\*\*\* identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

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3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

C. [X] Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby authorize the attorneys of Clayton, Howarth & Cannon, P.C., to insert said serial number when known.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 22 day of JANUARY, 2002.

## Ortho Development Corporation

By Brent Bartholomew  
Brent Bartholomew  
Vice President & CFO

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